

ZONING BOARD MEMBERS

JAMES F. McGRAIL, CHAIRMAN
J. GREGORY JACOBSEN, VICE CHAIRMAN
SCOTT M. STEEVES
E. PATRICK MAGUIRE, LEED AP
JASON L. MAMMONE, P.E.

ASSOCIATE MEMBERS

JESSICA L. PORTER
JARED F. NOKES, J.D.



RECEIVED
TOWN OF DEDHAM

JAN 06 2015

A.M. TOWN
P.M. CLERK

DEDHAM TOWN HALL
26 BRYANT STREET
DEDHAM, MA 02026
PHONE 781-751-9242
FAX 781-751-9225

SUSAN WEBSTER
ADMINISTRATIVE ASSISTANT
swebster@dedham-ma.gov

2015 JAN - 6 PM 2:19

**TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS**

**ZONING BOARD OF APPEALS
DECISION**

APPLICANT:	Pancho's Taqueria
PROJECT ADDRESS:	549-551 High Street, Dedham, MA
CASE #	VAR-10-14-1899
PROPERTY OWNER/ADDRESS:	L & M High Street Trust, c/o Mark Gottesman, 43 Stearns Street, Newton, MA
MAP/LOT AND ZONING DISTRICT:	92/66
DATE OF APPLICATION:	October 22, 2014
MEMBERS PRESENT AND VOTING:	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, LEED AP, Jessica L. Porter
PETITION:	To be allowed to operate a restaurant with 14 seats, requiring a Special Permit for change of use in the Central Business zoning district.
SECTION OF ZONING BYLAW:	Section 3.0, Table 1.E.8
REPRESENTATIVE:	Carlos Chavira, 95 Clark Street, Dedham, MA Nohely H. Chavira-Williams, 95 Clark Street, Ded- ham, MA
DATE FILED WITH TOWN CLERK:	January 6, 2015

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on Wednesday, December 3, 2014, commencing at 7:00 p.m. in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, and E. Patrick Maguire, LEED AP. In the absence of Member Jason L. Mammone, P.E., the Chair appointed Associate Member Jessica L. Porter to sit in his stead. These hearings and meeting of the ZBA were duly advertised

in accordance with the requirements of MGL Chapter 40A, Section 11. Legal ads were placed for two consecutive weeks in *The Dedham Times*. In addition, abutters within 300 feet of the property in question received notification of the hearings. Adjacent towns were notified of the hearing to operate a restaurant with 14 seats, requiring a Special Permit for change of use in the Central Business zoning district.

At 7:28 p.m. the Chairman called for the hearing on the appeal of Pancho's Taqueria (hereinafter referred to as the "Applicant") to be granted a special permit to operate a restaurant with 14 seats, requiring a Special Permit for change of use in the Central Business zoning district. *Dedham Zoning By-Law Section 3.0, Table 1.E.8*

The Applicant represented himself, and was accompanied by his sister, Nohely Chavira-Williams, and his wife, Jessica. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference. The plans, documents, studies, etc. referred to are incorporated as part of the public record and are on file in the Planning and Zoning office.

The subject property is known and numbered as 549-551 High Street, Dedham, MA, and is shown on Dedham Assessors' Map 92, Lot 66. The certified plot plan indicates that the Subject Property contains 16,375 square feet of land and has a total of 191.03 feet of frontage. According to the Dedham Zoning Map, the Subject Property is located in the Central Business zoning district. Currently, the property is vacant, but it was previously occupied by a retail business and a flower shop. According to the records maintained by the Dedham Board of Assessors, the building was constructed in 1934.

Mr. Chavira said that he has a permit to open a Mexican restaurant in Norwood, but he and his wife prefer Dedham because they live here. This is his first restaurant, and he believes that it will attract more people to Dedham Square. Ms. Porter asked if the restaurant would be open for lunch and dinner, and Mr. Chavira said it would. She then said that fourteen seats seemed low to her. Ms. Chavira-Williams said they are focusing more on take-out, rather than a sit-down dining experience. They will not be applying for a liquor license. She said she did not think they need any more than fourteen seats at this time. She said they are taking into account the parking in Dedham Square. Ms. Porter said she might want to consider more

seating, and Mr. Maguire asked how many could be fit in. Ms. Chavira-Williams said they could possibly put in a few more, but Mr. McGrail said this could not be granted at this hearing because it was not advertised. Mr. Maguire said this hearing is more for the use of the building anyway. Amy Haelsen, Executive Director of Dedham Square Circle, spoke in favor of the petition.

Upon a motion duly made by E. Patrick Maguire, LEED AP, and seconded by Jessica L. Porter, the ZBA voted unanimously, 5-0, to grant the requested special permit to operate a restaurant with 14 seats, requiring a Special Permit for change of use in the Central Business zoning district.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Dated: December 3, 2014

James F. McGrail
James F. McGrail, Esq., Chairman

J. Gregory Jacobsen
J. Gregory Jacobsen

Scott M. Steeves
Scott M. Steeves

E. Patrick Maguire
E. Patrick Maguire, LEED AP

Jessica L. Porter
Jessica L. Porter

Attest, by the Administrative Assistant:

Susan N. Webster
Susan N. Webster

Copies of this decision are filed in the Dedham Town Clerk's office. Copies of all plans referred to in this decision and a detailed record of the Zoning Board of Appeals proceedings are filed in the Dedham Planning Department.

Materials Submitted:

- ZBA application
- Letter of permission from Mark Gottesman, L & M High Street Realty Trust
- Proposed layout for restaurant
- Photographs of existing conditions